

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES C. HILL,)
)
)
Plaintiff,)
v.) C.A. No. 05-cv-00452-JJF
)
)
SUPER FRESH FOOD MARKETS, INC.,)
)
)
Defendant.)

**EXHIBIT A TO
DEFENDANT'S MEMORANDUM OF LAW IN OPPOSITION TO
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

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DATED: January 17, 2006

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January 9, 2006

VIA REGULAR AND CERTIFIED MAIL/RRR

Mr. James C. Hill
3 Mackenzie Drive
Newark, DE 19711-1505

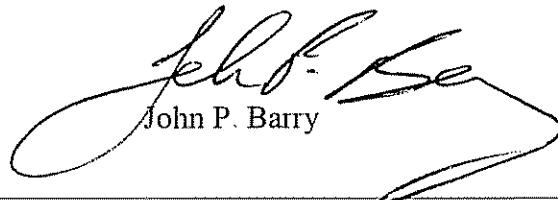
Re: James C. Hill v. Superfresh Food Markets, Inc.
Civil Action No. 05-CV-00452-IJF

Dear Mr. Hill:

I am in receipt of your Motion For Default, which alleges that Defendant failed to answer the Complaint. Please be advised that your motion is procedurally defective and, as such, you have an obligation to withdraw it. Specifically, on December 12, 2005, Defendant filed a Motion to Dismiss the Complaint in lieu of filing an Answer. Pursuant to Fed. R. Civ. P. 12, this satisfied Defendant's obligation to file a pleading responsive to the Complaint.

While I am aware that you are proceeding without a lawyer, this does not excuse you from complying with, among other things, the Federal Rules of Civil Procedure. Accordingly, please withdraw your motion or Defendant will seek sanctions for opposing this baseless motion.

Very truly yours,



John P. Barry

JPB:ak

ATLANTA • CHICAGO • DALLAS • HOUSTON • LOS ANGELES • MIAMI
NEWARK • NEW YORK • SAN FRANCISCO • STAMFORD • WASHINGTON, D.C.

Mr. James C. Hill
January 9, 2006
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Bcc: Sheryl R. Martin, Esq.
Greta Ravitsky, Esq.
Margaret M. DiBianca, Esq. ✓